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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,109	12/21/2000	Karl J. Wood	PHB 34,436	1480

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EXAMINER	
USTARIS, JOSEPH G	

ART UNIT	PAPER NUMBER
2611	6

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,109	WOOD, KARL J.	
	Examiner	Art Unit	
	Joseph G Ustaris	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3 and 4.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler et al. (US20020007493A1).

Regarding claim 1, Butler et al. (Butler) discloses a video broadcast system or "broadcast enhancement system" wherein a broadcast source, broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The broadcasters prepare the ancillary data as overlays to be used in a color keying or "chroma keying" process prior to transmission (See paragraph 0009). The receiver receives the video stream and ancillary data and applies color keying to overlay or "superimpose" the ancillary data with the video stream (See paragraph 0036). The overlaid signal or "superimposed signal" is then passed on to a monitor or standard TV screen or "television" (See paragraph 0038).

Regarding claim 2, Butler discloses that the ancillary data is used to provide additional information, for example, statistics during a sports broadcast or other detailed

information. The ancillary data is sent as HTML files along with control data, wherein the processor inherently formats the data of the HTML file to be displayed before color keying is applied to overlay the ancillary data with the video stream (See Fig. 2 and paragraphs 0009, 0054, 0055).

Regarding claim 3, the ancillary data contains HTML files or "world wide web page" (See paragraphs 0020 and 0022).

Regarding claim 5, the ancillary data, which inherently contains text and graphics, is also sent and received through the vertical blanking interval (VBI) or "teletext" (See paragraph 0016),

Regarding claim 6, the ancillary data is also sent and received through the Internet (See paragraph 0017).

Claim 7 contains the limitations of claim 1 (wherein the ancillary data or HTML files are prepared for color keying by the broadcaster) and is analyzed as previously discussed with respect to those claims. Furthermore, inherently the broadcast source broadcasts multiple ancillary data or "broadcast signal" to the receivers (See paragraph 0013).

Regarding claim 8, the ancillary data is prepared by making one or more areas of the image set to a predetermined color or chroma key value or "masking one or more areas...of broadcast signal". After color keying is applied, the areas set to a predetermined color or chroma key value are not displayed (See paragraph 0036).

Regarding claim 9, the ancillary data is sent along with control data or "instructions" to prepare the ancillary data for color keying at the appropriate times (See paragraph 0051 and 0058).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1).

Butler lacks a feature where the ancillary data is multiplexed with the television broadcast signal for transmission and for the receiver to have a demultiplexer to extract the ancillary data.

Butler suggests many methods for combining the ancillary data with the television broadcast signal (See paragraphs 0015 and 0016). Official Notice is taken that it is well known to multiplex signals together and to use a demultiplexer to separate different signals at the receiver. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the video broadcast system disclosed by Butler to multiplex the ancillary data with the television broadcast signal and for the receiver to include a demultiplexer in order to make efficient use of

the available bandwidth thus allowing more data to be sent through the transmission medium.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of MacInnis et al. (US006700588B1).

Regarding claim 10, Butler et al. (Butler) discloses a video broadcast system or "broadcast enhancement system" wherein a broadcast source, broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The broadcasters prepare the ancillary data as overlays to be used in a color keying or "chroma keying" process prior to transmission (See paragraph 0009). The receiver receives the video stream and ancillary data and applies color keying to overlay or "superimpose" the ancillary data with the video stream (See paragraph 0036). The overlaid signal or "superimposed signal" is then passed on to a monitor or standard TV screen or "television" (See paragraph 0038). However, Butler lacks a feature where the receiver is a set-top-box (STB).

Butler suggests that the receiver can take different forms other than a personal computer (See Butler paragraph 0054). MacInnis et al. (MacInnis) discloses an apparatus and method for blending graphics and video surfaces. MacInnis discloses that graphic displays systems are used in television control electronics such as STBs. The STB is able to blend graphics and video using various techniques including chroma keying (See Fig. 2 and 3; column 1 lines 45-55, column 7 lines 35-45, and column 14

lines 20-35). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver disclosed by Butler to be embodied as a STB, as taught by MacInnis, in order to provide a convenient compact device that can be easily located near or on a television.

Claim 11 contains the limitations of claims 7 and 10 and is analyzed as previously discussed with respect to that claim.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Sitnik (US006160570A) for his similar method of including images within a video sequence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU
April 8, 2004

VIVEK SRIVASTAVA
PRIMARY EXAMINER